

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DARRELL RICARDO WHYTE,)
Plaintiff,)
v.) No. 3:23-cv-01321
BRENNNA K. BELL, et al.,)
Defendants.)

ORDER

Before the Court is the Magistrate Judge’s Report and Recommendation (“R&R”) (Doc. No. 36) recommending that the Court dismiss this action under Federal Rules of Civil Procedure 4(m) and 41(b) for lack of service of process. Darrell Ricardo Whyte (“Whyte”) has not filed timely objections to the R&R despite the R&R’s specific warnings regarding waiver. (See *id.* at 6).

Having thoroughly reviewed the R&R, the Court agrees with the Magistrate Judge’s analysis. Specifically, the Court agrees that dismissal of the remaining defendants is appropriate given: (1) the Magistrate Judge’s repeated warnings to Whyte that his action would be dismissed if he did not properly effectuate service; (2) this case has been pending without proper service to the remaining defendants for more than a year; and (3) the Court’s inherent authority to manage its docket further warrants dismissal under the circumstances. (See *id.* at 4–5).

Accordingly, the R&R (Doc. No. 36) is **APPROVED AND ADOPTED**, and this action is **DISMISSED**. All other pending motions are **DENIED AS MOOT**. The Clerk shall enter a final judgment under Rule 58 of the Federal Rules of Civil Procedure and close this case.

The Court notes that Whyte has attempted to file a “Petition for a Writ of Certiorari” to the United States Supreme Court with this Court. This is improper. If Whyte disagrees with the Court’s ruling here, he may file an appeal with the United States Court of Appeals for the Sixth Circuit. If he disagrees with the United States Court of Appeals for the Sixth Circuit’s ruling on Whyte’s appeal of the Court’s prior order dismissing Defendants Jennings H. Jones and Sonya Smith Wright (see Doc. Nos. 29, 30), he may file his appeal with the United States Supreme Court.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
UNITED STATES DISTRICT JUDGE